

SEP 15 2006

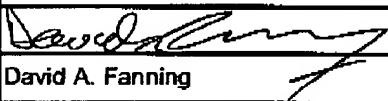
PTO/58/21 (07-06)


Approved for use through 09/30/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/929,236	
	Filing Date	August 13, 2001	
	First Named Inventor	Stephen F. Gass	
	Art Unit	3724	
	Examiner Name	Boyer D. Ashley	
Total Number of Pages in This Submission	15	Attorney Docket Number	SDT 307

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Request for Reconsideration of a Decision Dismissing a Petition to Withdraw a Holding of Abandonment. 2. Copy of electronic docket.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	SD3, LLC		
Signature			
Printed name	David A. Fanning		
Date	September 15, 2006	Reg. No.	33,233

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	David A. Fanning	Date	September 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 15 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Date: September 15, 2006

STEPHEN F. GASS, DAVID S. D'ASCENZO  
ANDREW L. JOHNSON, JOEL F. JENSEN,  
SUNG H. KIM and ANWYL M. MCDONALD

Serial No.: 09/929,236

Examiner Boyer D. Ashley

Filed: August 13, 2001

Group Art Unit 3724

For: REPLACEABLE BRAKE MECHANISM FOR POWER EQUIPMENT

To: Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**REQUEST FOR RECONSIDERATION OF A DECISION  
DISMISSING A PETITION TO WITHDRAW A HOLDING OF ABANDONMENT**

Applicant requests reconsideration of a decision mailed July 17, 2006, dismissing a petition to withdraw a holding of abandonment. The above-identified application went abandoned for failure to respond to a Notice of Non-Compliant Amendment purportedly mailed April 29, 2004. Applicant, however, never received the Notice and therefore petitioned to revive the application. The petition was dismissed because applicant did not include with the petition a copy of the docket record where the non-received Notice would have been entered had it been received and docketed. Applicant now requests reconsideration of the dismissal and is submitting the requested docket record in support of the request.

The undersigned incorporates by reference the statements made in its prior petition and makes the following additional statements in support of this request for reconsideration:

1. The Notice of Non-Compliant Amendment was not received by applicant or the undersigned.
2. A search of the file jacket for the application indicates that the Notice was not received. Had the Notice been received, its receipt would have been entered on the front of the file jacket for the application because it is applicant's standard practice to record the receipt of communications from the Patent Office on the front of the relevant file jacket. A copy of the front of the relevant file jacket was submitted previously showing that the Notice was not received. The file jacket is part of applicant's docket records.
3. A search of applicant's electronic docket records indicates that the Notice was not received. Had the Notice been received, its receipt would have been entered in applicant's electronic docket because it is applicant's standard practice to record the receipt of communications from the Patent Office in the electronic docket. A copy of applicant's electronic docket including entries from April through May 2004 where the non-received Notice would have been entered had it been received is attached.
4. The undersigned also points out that the Notice is identified on the Patent Application Information Retrieval (PAIR) system under the tab labeled "Transaction History," but a copy of the Notice is not available under the tab labeled "Image File Wrapper." Copies of other documents from April

and July 2004 are available under the tab labeled "Image File Wrapper," but the Notice is not. The absence of a copy of the Notice on the PAIR system is consistent with what Examiner Boyer Ashley told the undersigned in a telephone call on March 15, 2005. As explained in the original petition, Examiner Ashley said he could not find a copy of the Notice and did not know what the basis for the Notice was. The facts that the Notice is not available on the PAIR system and that Examiner Ashley could not find the Notice constitute strong evidence supporting the conclusion that the notice was never mailed and was likely misplaced by the Office. Otherwise, the Notice would be available. The undersigned requests the Office to mail applicant a copy of the Notice or to post the Notice on the PAIR system if the Office has a copy of the Notice.

5. The undersigned hereby declares that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In light of the information provided herein, applicant respectfully requests reconsideration of the decision dismissing the petition to withdraw the holding of abandonment.

Respectfully submitted,

SD3, LLC



David A. Fanning, Esq.

Registration No. 33,233

Customer No. 27630

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#### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to number (571) 273-8300, on the date shown below.

Date: September 15, 2006



David A. Fanning

<input checked="" type="checkbox"/> Subject	Due Date
<input checked="" type="checkbox"/> SDT-317-China	Mon-2/23/2004
<input checked="" type="checkbox"/> IWF-2004-Official-Fair-Directory-Listing	Fri-2/27/2004
<input checked="" type="checkbox"/> SDT-317-China	Fri-3/19/2004
<input checked="" type="checkbox"/> SDT-304-References-from-OA	Mon-3/22/2004
<input checked="" type="checkbox"/> SDT-307-References-from-OA	Mon-3/22/2004
<input checked="" type="checkbox"/> SDT-311-References-from-OA	Tue-3/23/2004
<input checked="" type="checkbox"/> SDT-304-References-from-OA	Tue-3/23/2004
<input checked="" type="checkbox"/> SDT-305-References-from-OA	Tue-3/30/2004
<input checked="" type="checkbox"/> SDT-324-References-from-OA	Wed-3/31/2004
<input checked="" type="checkbox"/> SDT-315-References-from-OA	Wed-3/31/2004
<input checked="" type="checkbox"/> SDT-316-Response-to-OA	Wed-3/31/2004
<input checked="" type="checkbox"/> SawStop-v-Visualize-SJ-Motion	Mon-4/5/2004
<input checked="" type="checkbox"/> SDT-326A-References-from-OA	Mon-4/5/2004
<input checked="" type="checkbox"/> Jody-Ackerman	Tue-4/13/2004
<input checked="" type="checkbox"/> SDT-323-References-from-OA	Wed-4/14/2004
<input checked="" type="checkbox"/> SDT-309-References	Tue-4/20/2004
<input checked="" type="checkbox"/> SDT-318-References-from-OA	Thu-4/22/2004
<input checked="" type="checkbox"/> SDT-307-Response-to-OA	Thu-4/22/2004
<input checked="" type="checkbox"/> SDT-322-Reference-from-OA-US-2984268	Thu-5/6/2004
<input checked="" type="checkbox"/> SDT-314-References-from-OA-(6-references)	Wed-5/12/2004
<input checked="" type="checkbox"/> SDT-326-References-from-OA-(5-references)	Fri-6/11/2004
<input checked="" type="checkbox"/> SDT-343-IDS	Sun-7/4/2004
<input checked="" type="checkbox"/> SDT-303-References-from-OA-(1-foreign-reference)	Wed-7/7/2004
<input checked="" type="checkbox"/> SDT-333-References-from-OA-(4)	Fri-8/20/2004
<input checked="" type="checkbox"/> SDT-324-Continuation-Application	Wed-9/1/2004
<input checked="" type="checkbox"/> SDT-326A-References-from-F-OA-(3)	Thu-9/30/2004
<input checked="" type="checkbox"/> SawStop-v-Visualize	Tue-10/5/2004
<input checked="" type="checkbox"/> SDT-305-Response-to-Non-Compliant-Amendment	Sat-10/23/2004
<input checked="" type="checkbox"/> SDT-345-IDS	Sat-11/20/2004
<input checked="" type="checkbox"/> Saw-Shipments	Wed-12/1/2004
<input checked="" type="checkbox"/> SDT-324A-IDS	Wed-12/1/2004
<input checked="" type="checkbox"/> SDT-344, 345, 347-IDS	Mon-12/20/2004
<input checked="" type="checkbox"/> SDT-330-Disclose-New-Reference-from-OA	Thu-12/23/2004
<input checked="" type="checkbox"/> SDT-324A-Response-to-Missing-Parts	Mon-12/27/2004
<input checked="" type="checkbox"/> SDT-346P, 348P, 349P, 350P & 351P-File-Nonprovisionals	Fri-12/31/2004
<input checked="" type="checkbox"/> SDT-352P-File-Nonprovisional	Sat-1/29/2005
<input checked="" type="checkbox"/> SDT-321-Disclose-new-references-from-OA	Mon-3/14/2005
<input checked="" type="checkbox"/> SDT-304-Disclose-new-reference-from-OA	Wed-3/23/2005
<input checked="" type="checkbox"/> DSD-305C-IDS	Fri-4/29/2005
<input checked="" type="checkbox"/> SDT-346, 348-351-Assignment, POA	Sat-5/28/2005
<input checked="" type="checkbox"/> SDT-306A-IDS	Wed-6/8/2005
<input checked="" type="checkbox"/> Golt-Robert	Fri-6/23/2006
<input checked="" type="checkbox"/> Skyline-112-(Goshen)-Owner's-manual	Fri-6/23/2006
<input checked="" type="checkbox"/> SDT-347-Response-to-OA-FILE-CONTINUATION-8/17/06	Fri-8/18/2006
<input checked="" type="checkbox"/> New-Garaza-High-School	Fri-9/1/2006
<input checked="" type="checkbox"/> SawStop-warranty-parts	Fri-9/15/2006
<input checked="" type="checkbox"/> SDT-331-Response-to-F-OA-FILE-NOA-9/15/06	Fri-9/15/2006
<input checked="" type="checkbox"/> SDT-307-Response-to-Decision-on-Petition	Sun-9/17/2006
<input checked="" type="checkbox"/> SDT-310-Issue-Notification	Mon-9/18/2006
<input checked="" type="checkbox"/> SDT-337A-OA	Tue-9/19/2006
<input checked="" type="checkbox"/> SDT-344, 345-OA	Wed-9/20/2006

Renee Knight

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9/15/2006 2:04 PM

**Renee Knight**

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**Subject:** SawStop v. Visualize - SJ Motion  
**Due Date:** Monday, April 05, 2004  
  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Wednesday, April 07, 2004  
  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
  
**Owner:** Renee Knight

Write to Judge Ashmanskas re our SJ Motion (LR 83.13) on April 5, 2004.

**Renee Knight**

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**Subject:** SDT 328A - References from OA  
**Due Date:** Monday, April 05, 2004

**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Thursday, February 12, 2004

**Total Work:** 0 hours  
**Actual Work:** 0 hours

**Owner:** Renee Knight

Disclosed new references from OA, 3-month date April 5, 2004 (mailed 1/5/04)?



**Renee Knight**

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**Subject:** Jody Ackerman  
**Due Date:** Tuesday, April 13, 2004  
  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Saturday, April 17, 2004  
  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
  
**Owner:** Renee Knight

Email Jody w/ status of saws.

**Renee Knight**

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**Subject:** SDT 323 - References from OA  
**Due Date:** Wednesday, April 14, 2004  
  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Thursday, February 12, 2004  
  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
  
**Owner:** Renee Knight

Disclosed new references from OA? 3-month date April 14, 2004 (mailed 1/14/04).

**Renee Knight**

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**Subject:** SDT 309 - References  
**Due Date:** Tuesday, April 20, 2004  
  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Thursday, February 12, 2004  
  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
  
**Owner:** Renee Knight

Disclosed references from new OA? 3-month date April 20, 2004 (OA mailed 1/20/04).

**Renee Knight**

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**Subject:** SDT 318 - References from OA  
**Due Date:** Thursday, April 22, 2004  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Thursday, February 12, 2004  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
**Owner:** Renee Knight

Disclosed new references from OA? 3-month date April 22, 2004 (mailed 1/22/04).

**Renee Knight**

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**Subject:** SDT 307 - Response to OA  
**Due Date:** Thursday, April 22, 2004

**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Saturday, April 17, 2004

**Total Work:** 0 hours  
**Actual Work:** 0 hours

**Owner:** Renee Knight

Response to Office action due March 22, 2004 (mailed 12/22/03).

**Renee Knight**

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**Subject:** SDT 322 - Reference from OA (US 2984268)  
**Due Date:** Thursday, May 06, 2004  
**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Saturday, April 17, 2004  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
**Owner:** Renee Knight

Disclose new reference (US Patent No. 2,984,268 to Vuichard) by May 6, 2004 (OA mailed 2/6/04).

**Renee Knight**

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**Subject:** SDT 314 - References from OA (6 references)  
**Due Date:** Wednesday, May 12, 2004

**Status:** Completed  
**Percent Complete:** 100%  
**Date Completed:** Saturday, April 17, 2004

**Total Work:** 0 hours  
**Actual Work:** 0 hours

**Owner:** Renee Knight

Disclose new references (6) by 3-month date May 12, 2004 (OA mailed 2/12/04).